DOCKET NO.: ISIS-4502 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Richard H. Tullis Confirmation No.: 9155

Application No.: 08/078,768 Group Art Unit: 1634

Filing Date: June 16, 1993 Examiner: James Martinell

For: Oligonucleotide Therapeutic Agent And Methods Of Making The Same

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

The owner, Molecular Biosystems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,023,243. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all

02/07/2007 MBERHE 00000045 233050 08078768 01 FC:2814 65.00 DA DOCKET NO.: ISIS-4502 -2- PATENT

claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated

prior to the expiration of its full statutory term as presently shortened by any terminal

disclaimer.

(Check either box 1 or 2 below, if appropriate)

For submissions on behalf of an organization (e.g., corporation, partnership,

university, government agency, etc.), the undersigned is empowered to act on

behalf of the organization.

The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and

that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the

application or any patent issued thereon.

The undersigned is an attorney of record.

Date: February 2, 2007

Felicity)E. Groth

Registration No. 47,042

Woodcock Washburn LLP One Liberty Place - 46th Floor Philadelphia PA 19103 Telephone: (215) 568-3100

Facsimile: (215) 568-3439

© 2006 WW